

REMARKS

Entry of this amendment and allowance are requested.

The claims pending for consideration are claims 1, 3-6, 9-13, 15-20, 22 and 23. Claims 2, 7 and 8 are being canceled herewith while claims 14 and 21 were previously canceled.

Claims 1, 6 and 12 are being amended herewith. In particular, claim 1 has been amended to include the substance of claim 2 while claim 6 has been amended to define A as a pyridonyl group as previously recited in claim 8, the latter being canceled to avoid redundancy. Claim 12 has also been amended to conform the definition of A therein with the A definition of claim 6 from which claim 12 depends. The applicants consider that the indicated changes do not raise any new issues while resolving issues of record. Accordingly, entry of this amendment for allowance is thought to be in order.

It is noted the Examiner has indicated that dependent claims 8 and 13 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. The amendment of independent claim 6 to include the feature of claim 8 is thought to be tantamount to presenting claim 8 in independent form. Accordingly, claim 6 should be allowable.

The dependence of claim 13 on claim 6 has been retained since claim 6 is now believed to be allowable.

Since claims 9-12, 16 and 22 also depend from claim 6, these claims should be allowable. All of the applicants' other claims are thought to be allowable for reasons noted below.

Reconsideration of the Section 102(b) rejection of claims 1-4, 6, 10, 19, 22 and 23 as anticipated by Eida et al. (U.S. 4,395,288) is requested, in view of the foregoing amendments to the claims. As noted, claims 6, 10 and 22 should be allowable in view of the incorporation of the feature of allowable claim 8 into claim 6 with claims 10 and 22 being dependent on claim 6.

It is noted, furthermore, that all of the applicants' claims require a tris-azo dye (i.e. a dye with three azo bonds). Such dyes are novel as far as Eida et al. is concerned. It is noted in this regard that all of the compounds disclosed in Eida et al. have four azo bonds and so are not tris-azo compounds as the applicants' claims require. In the circumstances, the applicants submit that the Section 102(b) rejection based on Eida et al. should be withdrawn.

The Examiner is also requested to reconsider and withdraw the Section 102(b) rejection of claims 1, 5-7, 11 and 12 as anticipated by Demagistri et al. (U.S.

3,033,846). This reference does not disclose the applicants' invention as defined by the rejected claims. More specifically, claim 1, as amended, is directed towards an ink-jet printing process. Demagistri et al. predates the development of ink-jet printing and so does not disclose or suggest an ink-jet process as in amended claim 1.

Claim 5 depends from claim 1 and distinguishes over Demagistri et al. for the reasons noted with respect to claim 1.

Claim 6 is independent of claim 1 but, as noted, now includes the feature of claim 8 which the Examiner has recognized to be allowable over the art. Claims 11 and 12 also depend from claim 6 and should similarly be allowable over the art as the invention of claim 6 is not disclosed by the art.

The applicants also request reconsideration of (1) the Examiner's Section 103(a) rejection of claims 9 and 15-19 as unpatentable over Eida et al. in view of Ciba Limited and (2) the Section 103(a) rejection of claim 20 as unpatentable over Eida et al., Ciba Limited and Murcia et al. (U.S. 2001/0012027). The Examiner's references do not make obvious the applicants' invention as defined in claims 9 and 15-20 or, for that matter, any of the applicants' other claims.

More specifically, claim 9 depends from claim 6 and, therefore, is patentable over the Examiner's citations for the same reasons as claim 6.

Furthermore, with respect to all of the applicants' claims, it is noted again that Eida et al. is concerned with dyes containing four azo bonds while the dyes of the present application are tris-azo compounds (i.e. three azo bonds). Nothing in Eida et al. would motivate a person of ordinary skill to make such a fundamental structural change. The Section 103(a) rejection should fail for this reason alone as the Examiner's references, even if combined as proposed, would not provide the applicants' dyes.

Furthermore, the applicants submit that it is not likely that a person of ordinary skill concerned with ink-jet printing would not consult the Ciba reference since it is not concerned with ink-jet printing. As set out on page 1 of the applicants' specification, ink-jet printing places many performance demands on the colorants. Then, too, even if the person of ordinary skill did for some reason consult the Ciba reference, this reference teaches the use of metal complexes of azo compounds. Thus, if a skilled person consulted the Ciba reference it would, if anything, teach away from the metal-free compounds of the present invention.

For all of the above reasons, the applicants' invention of claims 9 and 15-19 is not in any sense obvious from a consideration of Eida et al. and Ciba. There is, in

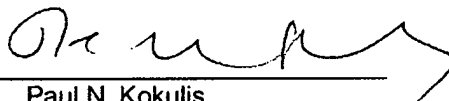
fact, no reason to consider these references together but, even if they are, the applicants' invention does not result.

Murcia et al. does not fill in the substantive deficiencies of Eida et al. and the Ciba references, as noted above, to make the invention of claim 20 obvious. Murcia et al. relates essentially to printer hardware and is silent as to which compounds are useful in ink-jet printing. Thus, nothing in Murcia et al. would further suggests to a person of ordinary skill to arrive at the ink- jet printing cartridge of claim 20; Accordingly, it is submitted that the Examiner's Section 103(a) rejection of claim 20 should be withdrawn.

In summary, the applicants' claims, as amended, are thought to be allowable over the Examiner's references. Accordingly, favorable reconsideration with allowance is requested.

Respectfully submitted,

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